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09/586,480	06/01/2000	Frank Reisinger	P00.0955	8303

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/586,480

Applicant(s)

REISINGER, FRANK

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Claims 1-14 have been reviewed.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claim 1 has been amended.

### ***Response to Arguments***

2. Applicant's arguments filed 18 December 2002 have been fully considered but they are not persuasive.

The Attorney indicates the arrangement disclosed and claimed in the present application allows data, such as rate table data, to be transmitted from an external source directly to a postage calculator in a scale that is connected to a postage meter machine, the data having to proceed only through a modem connected to the external source, and a switchover module which is operated by the postage meter machine. In other words, when the switchover module is switched to a state for direct transmission of data to the postage calculator in the scale, the incoming rate table data, received at the modem, do not have to reside in the postage meter machine at all, but are passed directly to the postage calculator in the scale. There is no intermediate storage of the data in the postage meter machine with a subsequent transmission to the postage calculator in the scale, as is conventional and as takes place in the Allocca et al. reference.

Allocca et al. disclose in the Abstract, col.3, lines 60-67 and col. 4, lines 1-5, i.e. "The digital data block, generated in serial format, is first encoded into audio tones at a tone encoder such as a Motorola 6860 low speed modem and recorded. Audio tone modulated carrier wave transmission at a radio transmitter permits simultaneous timely entry of the revised postage rate charts into a large number of postage scales and/or meter memories without any action being taken by the scale or meter user other than making certain that the line cord or other power supply for the scale or meter is connected during the rate revision transmission period."

This indicates the Allocca et al system does not operate in the conventional manner of routing downloaded rate table data through the postage meter machine incorporating intermediate storage in the postage meter machine, before the data are supplied to the postage calculator in the scale.

Allocca et al. do disclose allowing the data to proceed directly to the postage calculator in the scale, by switching of the switchover module – that is the modem itself.

The Examiner's rejection is sustained.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Allocca et al. (US 4138735).

As per claim 1(Amended), Allocca et al. disclose an arrangement for loading rate table data comprising:

a postage meter(Allocca et al., Abstract, col. 3, lines 25-45, i.e. "a postage scale and/or meter");

an external scale having a postage calculator(Allocca et al., Abstract, col. 3, lines 25-45, i.e. "adapted to compute the requisite postage or other transportation charges for an article placed upon the weighing tray of the scale" and "the transmitting station is adapted to transmit encoded postage rate revision tables or charts simultaneously to many remote field postage scales and/or meters for revision of postage rate lookup tables stored";

a modem which receives rate table data from an external source (Allocca et al., Abstract, col. 3, lines 60-67, i.e. "The digital data block, generated in serial format, is first encoded into audio tones at a tone encoder such as a Motorola 6860 low speed modem and recorded. Audio tone modulated carrier wave transmission at a radio transmitter permits simultaneous timely entry of the revised postage rate charts into a large number of postage scales and/or meter"); and

a switchover module connected between said postage meter, said scale and said modem and having a control line for setting a switching state of said switch over module to selectively conduct data downloading of rate table data directly from said external source to said postage calculator exclusively via said modem and said switchover module(Allocca et al., Abstract, col.3, lines 60-67 and col. 4, lines 1-5, i.e. "The digital data block, generated in serial format, is first encoded into audio tones at a tone encoder such as a Motorola 6860 low speed modem and recorded. Audio tone modulated carrier wave transmission at a radio transmitter permits simultaneous timely

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entry of the revised postage rate charts into a large number of postage scales and/or meter memories without any action being taken by the scale or meter user other than making certain that the line cord or other power supply for the scale or meter is connected during the rate revision transmission period.”)

Allocca et al. do not explicitly disclose the switchover module. However, this feature is deemed to be inherent to the Allocca et al. system as col.3, lines 60-67 and col. 4, lines 1-5 show a Motorola 6860 low speed modem. Modems have switchover capabilities evidence when attached to more than one machine. The Allocca et al. system would be inoperative if the modem could not switch from one machine to the next since the data feed is directed to more than one machine. The applicant's application fig. 3 illustrates a modem incorporated within the invention.

As per claim 2, Allocca et al. disclose an arrangement as claimed in claim 1 comprising a postage meter machine containing said postage meter, and wherein said switchover module is contained within said postage meter machine(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 3, Allocca et al. disclose an arrangement as claimed in claim 2 wherein said postage meter machine comprises an input/output control module containing a modem interface and a scale interface, and wherein said postage calculator comprises a postage calculator interface, said switchover module being connected between said modem interface, said scale interface and said postage calculator interface and said scale comprising means for supplying a signal on said control line to switch said switchover module to a switching state wherein said postage calculator, via said postage calculator interface, directly receives said rate table data(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 4, Allocca et al. disclose an arrangement as claimed in claim 3 wherein said switchover module comprises a first contact group connected to said modem, and connected to said modem interface via a first set of four lines, a second contact group connected to said postage calculator interface and to said scale interface via a second set of four lines, and a driver connected to said control line for operating said first and second contact groups to set said switching state of said switchover module dependent on a signal on said control line(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 5, Allocca et al. disclose an arrangement as claimed in claim 4 wherein said postage calculator interface comprises an RS-232 interface, and wherein each of said first and second sets of four lines comprises a TXD transmission line, an RXD reception line, a DTR reception readiness line, and a DSR transmission readiness line(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 6, Allocca et al. disclose an arrangement as claimed in claim 4 wherein said control line is also connected to said postage calculator interface, which supplies

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said signal on said control line to set said switching state of said switchover module(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 7, Allocca et al. disclose an arrangement as claimed in claim 6 wherein said scale comprises a keyboard having an actuatable selection key, said keyboard being at least indirectly connected to said postage calculator interface and actuation of said selection key causing said signal to be generated on said control line for setting said switching state of said switching module to cause said rate table data to be directly supplied to said postage calculator(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 8, Allocca et al. disclose an arrangement as claimed in claim 7 wherein said postage calculator operates with existing rate table data and wherein said rate table data from said external source comprise updated rate table data, and wherein said postage calculator includes a first memory area wherein said existing rate table data are stored and a second memory area wherein said updated rate table data are stored after actuation of said selection key, said updated rate table data including conversion data identifying an effective date of the updated rate table data, and said postage calculator having a third memory area in which said conversion data are stored, and said postage calculator automatically replacing said existing rate table data with said updated rate table data at a time of first use of said postage calculator following said effective date(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 9, Allocca et al. disclose an arrangement as claimed in claim 8 wherein said updated rate table data further include data representing additional information, and wherein said postage calculator has a fourth memory area for storing said data representing additional information(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 10, Allocca et al. disclose an arrangement as claimed in claim 8 wherein said scale comprises a clock/date module connected to said postage calculator, and wherein said postage calculator is programmed to automatically compare a date supplied by said clock/date module with said conversion data and to replace said existing rate table data with said updated rate table data when said conversion data equal or follow said date supplied by said clock/date module(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 11, Allocca et al. disclose an arrangement as claimed in claim 1 comprising a postage meter machine containing said postage meter, and wherein said modem switchover module is disposed externally of said postage meter machine(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 12, Allocca et al. disclose an arrangement as claimed in claim 11 wherein said scale with said postage calculating module is external from said postage meter machine(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 13, Allocca et al. disclose an arrangement as claimed in claim 11 wherein said switchover module and said external modem are combined to form a docking station(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

As per claim 14, Allocca et al. disclose an arrangement as claimed in claim 11 wherein said switchover module in said postage calculator are combined and are both disposed externally from said postage meter machine(Allocca et al., Abstract, Cols. 1-5 and 6, Lines 1-21).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

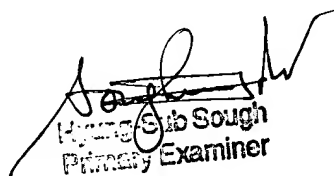
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles  
Examiner  
Art Unit 3628

dfc  
January 6, 2003

  
Hyung Sough  
Primary Examiner